

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 3:07-cr-27
(JUDGE BAILEY)**

ADRIAN G. VANLEEN,

Defendant.

**REPORT AND RECOMMENDATION TO THE DISTRICT JUDGE
RECOMMENDING THAT THE DISTRICT COURT FIND NO
PROBABLE CAUSE TO HOLD A FINAL REVOCATION HEARING**

On March 12, 2012, came the United States of America (“Government”), by counsel Erin K. Reisenweber, Assistant United States Attorney, appearing for Paul T. Camilletti, Assistant United States Attorney, and the Defendant, Adrian G. Vanleen, in person and by counsel, Nicholas J. Compton, Assistant Federal Public Defender, for a combined preliminary hearing and detention hearing on the Petition for Warrant or Summons for Offender Under Supervision.

On May 19, 2008, the Honorable John Preston Bailey, Chief United States District Judge, sentenced the Defendant to 46 months incarceration followed by a three-year term of supervised release. On October 20, 2011, the Defendant commenced the supervised release portion of his sentence. On March 5, 2012, the Probation Office filed a petition with the Court recommending action based upon alleged violations of the Defendant’s supervised release.

Based on the evidence presented, the Court **FINDS** that pursuant to Rule 32.1, there is no probable cause that the Defendant violated a condition of supervised release. The Court notes that the defendant is 88 years of age and in bad health. Accordingly, it is **RECOMMENDED** that the Petition for Warrant or Summons for Offender Under Supervision be **DISMISSED**. Pursuant to an

Order filed on March 12, 2012, the undersigned ordered that the Defendant be released from the Eastern Regional Jail on the previously entered terms of his supervised release (ECF No. 57).

Any party may, within fourteen (14) days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying those portions of the Report and Recommendation to which objection is made and the basis for such objection. A copy of such objections should also be submitted to the Honorable John Preston Bailey, Chief United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Report and Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984).

The Court directs the Clerk of the Court to provide a copy of this Report and Recommendation to all parties who appear *pro se* and all counsel of record, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: March 13, 2012



DAVID J. JOEL
UNITED STATES MAGISTRATE JUDGE